

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID HENRY PINCKNEY,

Plaintiff,

-v-

1:23-CV-1476

NEW YORK DEPARTMENT  
OF MOTOR VEHICLES,

Defendant.

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APPEARANCES:

DAVID HENRY PINCKNEY  
Plaintiff, Pro Se  
268 Highland Avenue  
Passaic, NJ 07055

OF COUNSEL:

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On November 27, 2023, *pro se* plaintiff David Henry Pinckney (“plaintiff”) filed this civil rights action alleging that defendant New York Department of Motor Vehicles erroneously suspended his driver’s license. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On March 28, 2024, U.S. Magistrate Judge Christian F. Hummel granted plaintiff's IFP Application, conducted an initial review of the pleading, and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with prejudice and without leave to amend. Dkt. No. 4. As Judge Hummel explained, the New York Department of Motor Vehicles is a State agency that is immune from suit in federal court. *Id.*

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 4. Upon *de novo* review, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff's complaint is DISMISSED with prejudice and without leave to amend.

IT IS SO ORDERED.

Dated: April 22, 2024  
Utica, New York.



David N. Hurd  
U.S. District Judge